

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re GREGORY N. MURRAY, AW2377,
Plaintiff.

Case No. [22-cv-00102-CRB](#) (PR)

**ORDER DIRECTING CLERK TO
CLOSE/TERMINATE ACTION**

On January 7, 2022, the clerk filed as a new action a letter from plaintiff, a prisoner at Mule Creek State Prison (MCSP), seeking appointment of counsel in connection with a pending case in the Eastern District of California. The court notified plaintiff in writing at that time that the action was deficient because plaintiff did not file an actual complaint or pay the requisite \$402.00 filing fee or, instead, submit a signed and completed court-approved in forma pauperis (IFP) application. See 28 U.S.C. § 1915(a)(2). The court sent plaintiff blank prisoner complaint and IFP forms and advised him that failure to file the requested items within 28 days would result in dismissal of the action.

On January 21, 2022, plaintiff filed a letter clarifying that he is “already in the Eastern Dist[ri]ct Court, Case No. 2:19-cv-2114-JAM-AC,” and therefore only would like to proceed with the instant case if it’s “a process or possible way to get help” with the pending case in the Eastern District. ECF No. 5 at 1. Because the decision to appoint counsel in plaintiff’s pending case in the Eastern District lies solely with the presiding judge in that case, the court construes plaintiff’s letter as clarifying that he does not (and did not) intend to file a new and separate case from his pending case in the Eastern District.

The clerk is directed to close/terminate this action as improvidently opened/filed. No filing fee for this improvidently opened/filed action is due.

IT IS SO ORDERED.

Dated: February 11, 2022



CHARLES R. BREYER
United States District Judge